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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/639,426	08/13/2003	Toshikuni Yoshida	116836	6335

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EXAMINER

GARCIA, GABRIEL I

ART UNIT PAPER NUMBER

2624

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/639,426

Applicant(s)

YOSHIDA ET AL.

Examiner

Gabriel I. Garcia

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/13/03 & 2/23/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. Claim 10 is rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter. Claim 10 is drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer –readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structure do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

Claim 10, while defining the print distribution program does not define a "computer-readable medium" and is thus non-statutory for that reasons. A computer program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody on "computer-readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory."-MPEP 2106.IV.B1(a)

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2624

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Mastie et al. (6,498,656).

With regard to claim 1, Mastie et al. teaches a print distribution system (e.g. fig. 1) in which plural printing apparatuses ((e.g. 12a-12d) are connected over a network (e.g. col. 4, lines 22-35), and printed data created by a data processing apparatus (e.g. 4a-4c) used in a sender (e.g. client) is distributed to plural distribution destinations (e.g. 8a-8c), the print distribution system comprising: an association information holding unit (e.g. fig. 1, items 6 and/or 10) that holds in advance information indicating correspondences between plural distribution destinations and plural printing apparatuses used in the plural distribution destinations (e.g. col. 2, lines 41-62); and a print setting management unit (e.g. col. 2, lines 6-59) that collectively manages settings of print conditions of the plural printing apparatuses, wherein, when a request to print out the printed data is outputted to the plural distribution destinations from the sender, the print setting management unit, on the basis of information held in the association information holding unit, locates plural printing apparatuses used in plural distribution destinations specified by the sender, sets the print conditions for the plural located printing apparatuses, and activates printout of the printed data (e.g. figs. 1-3, and cols. 2 and 3).

Art Unit: 2624

With regard to claim 2, Mastie et al further teaches wherein the print management unit (6) has a function for setting common print conditions (e.g. fig. 3, print conditions or attributes) for plural printing apparatuses (e.g. 12a-12d) used in the plural distribution destinations (e.g. figs 8a-8c).

With regard to claim 3, Mastie et al further teaches wherein the print setting management unit (6) has a function for selecting whether to set print conditions specific to each of the plural distribution destinations (e.g. 8a-8c) or to set print conditions common (e.g. fig. 3, print conditions or attributes) to plural printing apparatuses used in the plural distribution destinations (e.g. figs 8a-8c)..

With regard to claim 4, Mastie et al further teaches including plural printed data creation apparatuses (e.g. 4a-4c) for creating printed data of the plural printing apparatus and performing the printout (e.g. figs. 1-3).

With regard to claim 5, Mastie et al further teaches association information holding unit (e.g. fig. 1, items 6 and/or 10) comprises a database (10) recording information containing at least sender name of the printed data, a printed data creation apparatus name corresponding to each of the plural printing apparatuses used in the plural distribution destinations, and inherently teaches respective mail addresses of the plural distribution destinations (e.g. mail or internet communication, where the printer could be located remotely and be access through the internet, and claims 8,10,15, and 17, describe the communication between the devices allowing the user, destinations and the printing devices to communicate)..

Art Unit: 2624

With regard to claim 6, Mastie et al further teaches having a function that, when a request for the printout is issued from the sender, prevents an error detected in a specific printing apparatus of the plural printing apparatuses used in the plural distribution destinations from affecting the printout of other printing apparatuses (reads on fig. 1, and col. 7, lines 37-47).

With regard to claim 7, Mastie et al inherently teaches having a function that notifies the plural distribution destinations by mail (or internet, reads on col. 4, lines 22-35) at almost the same time that the printout has been started (reads on claims 8,10,15, and 17, which describe the communication between the devices allowing the user, destinations and the printing devices to communicate).

With regard to claim 8, Mastie et al inherently teaches having a function that, when an error is detected in a specific printing apparatus of the plural printing apparatuses used in the plural distribution destinations, notifies distribution destinations using the specific printing apparatus of contents of the error (reads on fig. 1, and col. 7, lines 37- and claims 8,10,15, and 17, which describe the communication between the devices allowing the user, destinations and the printing devices to communicate any error or status update between devices).

With regard to claim 9, Mastie et al inherently teaches having a function that, when printed data to be respectively distributed to plural distribution destinations is printed out in one printing apparatus (e.g. reads on fig. 3, only one printer can be selected to have the capability) , in order to avoid confusion of the printed data, creates additional information for each of the plural distribution destinations on the basis of information

Art Unit: 2624

containing the sender name, the printed data creation apparatus names (e.g. col. 2, lines 21-38), and the mail addresses registered in the database(10) (e.g. fig. 1-3, e.g. mail or internet communication, where the printer could be located remotely and be access through the internet, and claims 8,10,15, and 17, describe the communication between the devices allowing the user, destinations and the printing devices to communicate)..

With regard to claim 10, the limitations of claim 10 are covered by the features of claim 1 above, these features could be program into the memory 10 of Mastie et al.

### **Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Snipp (5,699,495) teaches a point and print in a distributed environment.

King (6,529,286) teaches a dynamic printing interface for routing print jobs in a computer network.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (703) 872-9314.

On July 15, 2005, the Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Art Unit: 2624

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

A handwritten signature in cursive script that reads "Gabriel Garcia".

**Gabriel I. Garcia**  
**Primary Examiner**  
**July 22, 2005**

**GABRIEL GARCIA**  
**PRIMARY EXAMINER**